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6 IN THE MATTER OF: :
7 New Da Hsin Trading, Inc.: Case #16-CMP-00361
8 t/a New Da Hsin Trading Inc. :
9 811 7th Street NW :
10 License #23501 :
11 Retailer A :
12 ANC 2C :
13 No ABC Manager on Duty :
14 - - - - -X

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2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 MIKE SILVERSTEIN, BOARD MEMBER

6 RUTHANNE MILLER, BOARD MEMBER

7

8 ALSO PRESENT:

9 LOUISE PHILLIPS

10 RICHARD CHIANG

11

1 P R O C E E D I N G S

2 CHAIRPERSON ANDERSON: The next case on
3 our show cause hearing (status) calendar is case
4 #16-CMP-00361, New Da Hsin Trading, Inc., license
5 #23501. Will the parties please approach and
6 identify themselves for the record, please?

7 MS. PHILLIPS: Louise Phillips, Assistant
8 Attorney General for the District of Columbia,
9 good morning again.

10 CHAIRPERSON ANDERSON: Ms. Phillips.

11 MR. CHIANG: I'm Richard Chang, the owner of
12 the New Da Hsin.

13 CHAIRPERSON ANDERSON: Good morning, Mr.
14 Chiang.

15 MR. CHIANG: Good morning.

16 CHAIRPERSON ANDERSON: All right, this is a
17 roll call -- I'm sorry, this is a show cause
18 hearing. Are there any preliminary matters in
19 this case?

20 MS. PHILLIPS: No, Mr. Chair, there are not.

21 CHAIRPERSON ANDERSON: All right. Are the
22 parties prepared to move forward?

1 MS. PHILLIPS: The parties are.

2 CHAIRPERSON ANDERSON: This is a show cause
3 hearing. Is the government ready to move
4 forward?

5 MS. PHILLIPS: Yes, Mr. Anderson.

6 CHAIRPERSON ANDERSON: Does the government
7 wish to make an opening statement?

8 MS. PHILLIPS: The government will just rely
9 on the notice that there was no ABC manager
10 present and the owner wasn't present and the ABC
11 manager's license was expired by ten days.

12 CHAIRPERSON ANDERSON: Mr. Chiang, do you
13 wish to make an opening statement or will you
14 reserve that until you present your case, sir?
15 And can you please take your hat off, please?
16 Thank you. All right.

17 MR. CHIANG: Sure, I'd like to present my
18 statement.

19 CHAIRPERSON ANDERSON: No, this is not -- the
20 opening statement is you're saying to me the case
21 you're going to present so you don't have to tell
22 me what your defense is --

1 MR. CHIANG: Oh, okay.

2 CHAIRPERSON ANDERSON: -- at this moment, so.
3 You've watched on TV when the lawyers present?

4 MR. CHIANG: No, I don't. I know, I work
5 seven days a week so I really --

6 CHAIRPERSON ANDERSON: All right, so when,
7 what we'll do then is that once the government
8 will present its case and they will call their
9 witnesses, you have an opportunity with the
10 witness the government calls. Once the
11 government asks them a question, you then have an
12 opportunity to ask that witness a question.

13 MR. CHIANG: Sure. After I speak to the
14 government directly? Is that how it works?

15 CHAIRPERSON ANDERSON: Well, they're going to
16 have a witness that I'm going to swear in.

17 MR. CHIANG: Sure.

18 CHAIRPERSON ANDERSON: And that Ms. Phillips
19 is going to ask some questions of that witness.
20 When she's done asking the questions of that
21 witness then you -- in trying to present yourself
22 -- will ask the witness questions based on the

1 questions that were asked.

2 MR. CHIANG: Okay.

3 CHAIRPERSON ANDERSON: And also, do you have
4 a copy of the report that was filed?

5 MR. CHIANG: Yeah, I just received it now.

6 CHAIRPERSON ANDERSON: All right.

7 MR. CHIANG: So I can --

8 CHAIRPERSON ANDERSON: You can read that --
9 do you need an opportunity to read it?

10 MR. CHIANG: I mean, they have their document
11 and I have my document, so --

12 CHAIRPERSON ANDERSON: Okay, that's fine.
13 And so, therefore, that's what you present and
14 then the board will ask questions of the witness.
15 Once the board asks some questions of the witness
16 then you'll have an opportunity to ask questions
17 of the witness both based on the questions that
18 were asked by the board. If through the
19 proceedings, if you don't understand, you have
20 questions, let me know and we'll stop to make
21 sure that you understand the proceedings, okay?

22 MR. CHIANG: Thank you.

1 CHAIRPERSON ANDERSON: So, does the
2 government have a witness they wish to call?

3 MS. PHILLIPS: Yes, Mr. Chair. The
4 government would like to call the owner, Mr.
5 Chiang.

6 MR. CHIANG: I'm here..

7 CHAIRPERSON ANDERSON: All right, so Mr.
8 Chiang the government is calling you as a
9 witness, so can you -- that's different, but I --
10 all right, do you have any objection to the
11 government calling you as a witness, sir?

12 MR. CHIANG: I don't.

13 CHAIRPERSON ANDERSON: Well, can you raise
14 your right hand, please? Do you swear or affirm
15 to tell the truth and nothing but the truth?

16 MR. CHIANG: Yes, I do.

17 CHAIRPERSON ANDERSON: All right. Your
18 witness, Ms. Phillips.

19 MS. PHILLIPS: Thank you, Mr. Anderson. Good
20 morning.

21 MR. CHIANG: Good morning.

22 MS. PHILLIPS: How are you this morning?

1 MR. CHIANG: Good.

2 MS. PHILLIPS: Do you remember speaking to me
3 on the 27th of last week?

4 MR. CHIANG: Yes, I did.

5 MS. PHILLIPS: Okay.

6 MR. CHIANG: I just didn't know you would
7 call me and ask me about the details.

8 MS. PHILLIPS: Okay. Would you state your
9 name for the record?

10 MR. CHIANG: I'm Richard Chiang, the owner of
11 the ABC licensed New Da Hsin Trading, Inc.

12 MS. PHILLIPS: Would you do me a favor and
13 spell your last name for the record?

14 MR. CHIANG: C-H-I-A-N-G.

15 MS. PHILLIPS: And did you sign in on the
16 sign-in sheet this morning?

17 MR. CHIANG: No, I did not, I did last time
18 but not this time.

19 MS. PHILLIPS: Okay. I just gave you a
20 report which mirrors the charges that you
21 received in the notice and I understand that you
22 did receive the notice, at least you told me when

1 we spoke. Did you receive the notice?

2 MR. CHIANG: The letter for the hearing date?

3 MS. PHILLIPS: Yes. It looks like this.

4 MR. CHIANG: Yes, I did.

5 MS. PHILLIPS: Okay, and did you read it and
6 understand it.

7 MR. CHIANG: Yes, I did.

8 MS. PHILLIPS: Okay, so it's my understanding
9 from our conversation and from the facts as they
10 were presented that the ABRA investigator visited
11 your establishment on April 5th, 2016, at
12 approximately 12:05 and that you weren't there at
13 the time. Is that fair?

14 MR. CHIANG: At the time? Yes, that's
15 correct.

16 MS. PHILLIPS: And my understanding is that
17 you spoke to the ABRA investigator is that
18 correct?

19 MR. CHIANG: Yes. Do you want me to?

20 MS. PHILLIPS: Answer the question.

21 MR. CHIANG: Yes, I did, spoke to him.

22 MS. PHILLIPS: The next question is I believe

1 you spoke -- when you spoke to me last week you
2 told me that the ABRA investigator told you that
3 you did not need to come back to the
4 establishment. Is that correct?

5 MR. CHIANG: He asked me not to come back.

6 MS. PHILLIPS: Okay, all right. Did he --
7 were you aware -- did he inform you -- the
8 investigator inform you -- that your manager's
9 license which was issued to Ms. Linn, had
10 expired.

11 MR. CHIANG: Yes, he did.

12 MS. PHILLIPS: And was Ms. Linn your ABC
13 manager --

14 MR. CHIANG: Yes.

15 MS. PHILLIPS: -- at the time?

16 MR. CHIANG: Yes.

17 MS. PHILLIPS: And did you check to make sure
18 that her license was actually expired when he was
19 there?

20 MR. CHIANG: I did not recall that.

21 MS. PHILLIPS: All right.

22 MR. CHIANG: But I did verify afterwards.

1 MS. PHILLIPS: Did you verify afterwards --

2 MR. CHIANG: Yes.

3 MS. PHILLIPS: -- that it was expired?

4 MR. CHIANG: Yes.

5 MS. PHILLIPS: And it would be fair to me --

6 and I know that your copy is really terrible --

7 but my copy is better --

8 MR. CHIANG: I can't see anything, so --

9 MS. PHILLIPS: Here.

10 MR. CHIANG: Yeah, that's the ABC manager

11 license, yes, that's correct.

12 MS. PHILLIPS: And the name that's on it is?

13 MR. CHIANG: Sally Lin.

14 MS. PHILLIPS: Okay, and she was the ABC

15 manager on duty on April 5th, is that fair?

16 MR. CHIANG: Yes.

17 MS. PHILLIPS: Okay, and that license, that's

18 a copy of her license, correct? I think it's

19 labeled exhibit -- sorry -- #2. Exhibit 2,

20 there.

21 MR. CHIANG: I don't see the exhibit #2 but

22 if you call it.

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1 MS. PHILLIPS: Is that the license?

2 MR. CHIANG: Yes.

3 MS. PHILLIPS: What date did it expire?

4 MR. CHIANG: Let's see, expire -- it doesn't
5 say. Oh, okay, it's hidden right there:
6 3/25/2016.

7 MS. PHILLIPS: Okay. All right. And, Ms.
8 Lin was the only ABC manager on duty at that --
9 on that date, is that fair?

10 MR. CHIANG: I know my wife was there. She's
11 also a part of the owner, but I don't, I guess,
12 not ABC owner I guess?

13 MS. PHILLIPS: But she was -- she did not
14 come out and talk to the investigator?

15 MR. CHIANG: Nope, not that I recall, nope.

16 MS. PHILLIPS: Okay, all right. Did she tell
17 you that the investigator came when you came
18 back?

19 MR. CHIANG: Who?

20 MS. PHILLIPS: Your wife?

21 MR. CHIANG: Yeah, yeah. She let me know,
22 yes.

1 MS. PHILLIPS: Did she talk to the
2 investigator?

3 MR. CHIANG: Nope, she was actually in the
4 back --

5 MS. PHILLIPS: Okay.

6 MR. CHIANG: -- at that time.

7 MS. PHILLIPS: All right. So, the evidence -
8 - the government rests its case.

9 CHAIRPERSON ANDERSON: All right, well, Mr.
10 Chiang. It's a little bit different. So, Ms.
11 Phillips had asked you some questions and you're
12 under oath --

13 MR. CHIANG: Yes.

14 CHAIRPERSON ANDERSON: So, if you need to
15 explain, and I guess the bottom line -- you can
16 present --

17 MR. CHIANG: I don't know how it works, so --

18 CHAIRPERSON ANDERSON: Well, just tell me --

19 MR. CHIANG: What happened.

20 CHAIRPERSON ANDERSON: -- why is it that
21 you're here today? You got a ticket, you didn't
22 pay --

1 MR. CHIANG: I -- I --

2 CHAIRPERSON ANDERSON: No, no, let me --

3 MR. CHIANG: Oh, sorry.

4 CHAIRPERSON ANDERSON: You got a ticket --

5 MR. CHIANG: Okay.

6 CHAIRPERSON ANDERSON: -- you did not pay
7 because you're challenging it, right?

8 MR. CHIANG: Yes.

9 CHAIRPERSON ANDERSON: So, what is your
10 explanation? And what is it that you're asking
11 the board to do.

12 MR. CHIANG: I believe that this inspector
13 was biased. Do you want me to?

14 CHAIRPERSON ANDERSON: This is your -- go
15 ahead, sir.

16 MR. CHIANG: Okay. See, here's the thing --

17 CHAIRPERSON ANDERSON: Remember you're under
18 oath.

19 MR. CHIANG: Yes, absolutely. So, the
20 inspector came on the date that she said. It was
21 April, what do you have? The 5th? Okay, April
22 5th? And then basically my manager called me and

1 I spoke to the inspector and the inspector said,
2 "hey," you know "do you have this documentation?"
3 And I said, "yes, I do" and, you know, all of the
4 above. He asked me -- and then I asked him, I
5 said, "do you need me to go there?" And he said
6 absolutely not, everything's --

7 CHAIRPERSON ANDERSON: Go where, sir?

8 MR. CHIANG: To the store. I was actually
9 one block away, and I asked him, I stepped out
10 because I needed to attend some emergency, and he
11 said that, you know, "you don't need to come
12 here, everything is fine." He assured me
13 everything was fine. And so, you know -- at the
14 end he basically, you know, I come back not too
15 long ago he slapped me with a second -- a second
16 \$500 fine, which what happened to the first --
17 you know -- offense to begin with? I do have a
18 copy of the ticket here. And then later on he
19 calls me, like, I think the next day, he says,
20 "oh, I made a mistake." So, "I made a mistake, I
21 need to give you another ticket." So, I told him
22 "Why? You're the one that made the mistake" and

1 I tried to explain to him that I just stepped out
2 for a second, you know, it's like getting caught
3 with your pants down, you go use the bathroom,
4 you come in, poof, you know. I didn't know that
5 government can be so deceiving and say, "do not
6 come here," all of a sudden slap you with a
7 ticket because -- you know -- they try and set
8 you up. And then, his intention was obviously a
9 second offense of \$500 -- what happened to the
10 first offense? I don't know if you want to see
11 the documentation.

12 CHAIRPERSON ANDERSON: I don't know what
13 you're talking about, sir, if you have a document
14 let's show it.

15 MR. CHIANG: Yes, I do.

16 CHAIRPERSON ANDERSON: Can you show it to Ms.
17 Phillips, please?

18 MS. PHILLIPS: That would be good because I
19 don't have that document in my files.

20 CHAIRPERSON ANDERSON: No, show it to Ms.
21 Phillips, the document that you're talking about,
22 sir.

1 MR. CHIANG: And then, he says, "oh,
2 everything is -- "

3 CHAIRPERSON ANDERSON: We all need to get a
4 copy of this. I don't know what the document
5 that we're looking at.

6 MS. PHILLIPS: The document is a notice of
7 violation #3660, it looks like the original, it
8 does say a total fine of \$500. I don't have a
9 copy of it but I'm reading from the one he gave
10 me.

11 MR. CHIANG: And it's dated on the day that -
12 - the second violation -- so he comes back on the
13 second day, then he says, "oh, I need to give you
14 another one. When I'm talking to him over the
15 phone I explained to him, you know, "I asked you
16 if I could come in there, you told me
17 everything's fine, don't come in." So, I mean,
18 like I said you basically set me up, your
19 intention was already to give me a ticket, and
20 like I said, you know you have \$500, I mean he's
21 already had a grudge against me, which I was
22 very, very polite to him and I didn't understand,

1 later on when he came the second day I tried to
2 talk to him, he said, "I don't want to hear it.
3 You can take it to the hearing and let them
4 know." And it was as simple as that, like you
5 could have just given me a warning, said, "hey,
6 look, if I did not come in within five minutes
7 I'm going to give you a ticket." But I didn't
8 know the government was going to be so petty to
9 charge fines, you know, which, I mean
10 technically, he dropped off this on this date,
11 this is actually on the 7th. There's a dated
12 thing on it.

13 I was actually there in the back, I just
14 didn't want to deal with this gentleman, because
15 when I spoke to him on the phone he was very,
16 like, rude to me and I didn't want to speak to
17 him at all. I was like, you know what? Just
18 drop the ticket there. I'll deal with this at
19 the hearing. And this is where I am right now.
20 And that's what basically I want to let you guys
21 know what is going on with these government
22 agent, they come in and they just set you like

1 that.

2 CHAIRPERSON ANDERSON: All right. Now it's
3 your witness, Ms. Phillips. I guess he asked
4 some questions and so it's now the board's
5 opportunity to ask him questions and then I'll go
6 back to you.

7 MS. PHILLIPS: Fine. Before you start, could
8 I have a copy of the exhibit that he put forward
9 because I don't have it in my file. That would
10 help me make sense of what he told me.

11 CHAIRPERSON ANDERSON: Okay, all right.

12 MS. PHILLIPS: Because he has told me that
13 before, but I didn't have a copy.

14 MR. CHIANG: She even asked me this over the
15 phone, and I'm like "wait, who are you? Why am I
16 telling you this, all the information? "Isn't
17 this considered illegal? To let me know -- I
18 mean, to let her know my game plan, what I'm
19 going to present to you guys? I found it really
20 awkward because if this is a court, I don't --
21 this is not considered legit.

22 CHAIRPERSON ANDERSON: Well, let me ask you a

1 question, sir. You're saying that the government
2 did not -- did not inform you that --

3 MR. CHIANG: She said she was somebody -- and
4 I had to ask twice right at the end, "I'm like,
5 wait, who are you? How do you play this part?"
6 And then she tells me, she says, "oh, I'm just
7 here to talk to you about what it said." "So why
8 did you ask me about what I'm going to say to the
9 court, so that you have some maybe advantage over
10 me?" I think that's just wrong. I don't think
11 that the government should do that. You should
12 just strictly say "okay, I can talk to you about
13 settling, and that's it. I can't discuss about,
14 I don't want to hear about your case," but at
15 this point she let me -- I thought she
16 represented the chair and so I was actually
17 letting her know everything what had happened and
18 I'm sure she knew about the second one after I
19 spoke to her. So, if she's playing dumb like she
20 has never seen this or even heard about the
21 second? I don't know, maybe you might ask her.

22 CHAIRPERSON ANDERSON: Well, Ms. Phillips,

1 there's -- I've heard some allegations and so I'm
2 giving you an opportunity to explain yourself for
3 the record if you need to. This is regarding
4 what Mr. Chiang -- Mr. Chiang stated regarding
5 your representation and your conversation with
6 him.

7 MS. PHILLIPS: Well, one can never let those
8 go uncommented on.

9 CHAIRPERSON ANDERSON: I'm giving you an
10 opportunity -- so that's why I'm giving you the
11 opportunity.

12 MS. PHILLIPS: I'll take you up on that, Mr.
13 Chair. I do what I always do when I call
14 establishment owners. My first question is do
15 they have an attorney? Once I've checked on
16 their identity. Then I tell them who I am,
17 Louise Phillips, Assistant Attorney General for
18 the District of Columbia. I'm calling you about
19 the ABC matter that's scheduled on the status,
20 which is when I spoke to him, before the status.
21 He told me about the two citations --

22 CHAIRPERSON ANDERSON: I -- before you go

1 there, remember he's making some -- he's saying
2 that you did not tell him who you were and he
3 thought you were an investigator, so I need you
4 to clear that up, because that's what he stated.

5 MS. PHILLIPS: I just cleared it up. I told
6 you exactly what I said.

7 CHAIRPERSON ANDERSON: Okay.

8 MS. PHILLIPS: But, he said some other things
9 --

10 CHAIRPERSON ANDERSON: Okay.

11 MS. PHILLIPS: -- about what I said --

12 CHAIRPERSON ANDERSON: No, no, that's fine.
13 I just want to make sure that you address those
14 first before you go on. Now, I'm fine with that.

15 MS. PHILLIPS: So, have I made it clear to
16 the board that I identified myself correctly?

17 CHAIRPERSON ANDERSON: Yes, Ms. Phillips.

18 MS. PHILLIPS: He told me that he had -- he
19 had gotten two citations. I told him I couldn't
20 speak to that because I only had one in the file.
21 He told me that the first citation was for \$500.
22 I said that the citation that I had in the file

1 appeared to be \$250. As I look at the two
2 citations, exhibit #3 to the investigation
3 report, is the one that was in my file and it is
4 for "no ABC manager on duty" and the fine is
5 \$250. The document that Mr. Chiang presented to
6 the board and of which you now have a copy, I
7 believe. The citation number, notice of
8 violation number #3660. It is for the same
9 violation, it's just that a larger fine was
10 checked, so I can only assume that when the
11 investigator got back to wherever he got back to
12 he looked and saw that he had checked the wrong
13 fine for the exact charge that he informed the
14 owner of. So, now we have both and what I will
15 do when it's my turn for cross is move in some of
16 these exhibits but I think the board will
17 probably like to have Mr. Chiang's exhibit moved
18 into the record, which he doesn't know how to do,
19 but we should probably do that. That's my copy,
20 I'm sorry.

21 MR. CHIANG: Oh, that's your copy, I'm sorry.

22 MS. PHILLIPS: And if he doesn't move it in,

1 I'll move it in on his behalf so that the record
2 will be complete.

3 CHAIRPERSON ANDERSON: All right. Do we have
4 any questions by the board of Mr. Chiang? I'm
5 sorry -- yes of Mr. Chiang. Yes, Mr. Short?

6 MR. SHORT: Mr. Chiang.

7 MR. CHIANG: Yes.

8 MR. SHORT: Good morning, first of all.

9 MR. CHIANG: Good morning, Mr. --

10 MR. SHORT: How long have you been in
11 business?

12 MR. CHIANG: The businesses was started from
13 my parents so this is like a mom and pop type of
14 store. You know, we work very hard, like seven
15 days a week --

16 MR. SHORT: I do believe that, but how many
17 years have you -- you been in this business?

18 MR. CHIANG: I can recall about ten years
19 myself.

20 MR. SHORT: Ten years?

21 MR. CHIANG: Yes.

22 MR. SHORT: Okay.

1 MR. CHIANG: -- that I've been in the
2 business.

3 MR. SHORT: Do you realize the code under
4 which that you were cited? Have you ever seen
5 one of these?

6 MR. CHIANG: I have not in detail, but I do
7 acknowledge as the owner present that the manager
8 does not need to be present. I -- you know, and
9 that was my fault on the expiration. I didn't
10 pay any attention. And I told the inspector, I
11 said "I'm going to take care of this right away,
12 which we did. Went there as soon as possible and
13 we have it dated April 8th, only a few days,
14 because we had to get all the documents ready,
15 you know. You got notary, you got, you know, a
16 bunch of documentation, so that was as fast as I
17 could to go and take care of this issue.

18 MR. SHORT: Okay. Again, you say you are not
19 familiar with this code book?

20 MR. CHIANG: I haven't read it, sir, no.

21 MR. SHORT: Well, can I very strongly suggest
22 --

1 MR. CHIANG: Yes, go ahead.

2 MR. SHORT: -- that you as a business owner --

3 MR. CHIANG: Yes.

4 MR. SHORT: -- get a copy as soon as you can.

5 MR. CHIANG: I will, I will, yes sir.

6 MR. SHORT: The section you were cited under,
7 section #25-701, that whole section speaks to
8 your responsibilities as a manager, okay? And
9 any time that you have alcohol being sold either
10 yourself as the owner or an ABC manager must be
11 present while alcohol is being sold, served, or -
12 - in your location.

13 MR. CHIANG: Yes, sir.

14 MR. SHORT: And so, do you realize by having
15 a manager without the proper identification being
16 dated properly that you were in violation?

17 MR. CHIANG: Like I said, I didn't know that
18 it was expired. It was only a few days. I would
19 have taken their --

20 MR. SHORT: I have another question to ask
21 you.

22 MR. CHIANG: Yes, sir.

1 MR. SHORT: If you were driving down the
2 street and your driver's license --

3 MR. CHIANG: Yes.

4 MR. SHORT: -- was ten days past due --

5 MR. CHIANG: Yes.

6 MR. SHORT: -- what do you think the police
7 officer is going to do?

8 MR. CHIANG: Probably give me a warning and,
9 "go ahead and take care of this."

10 MR. SHORT: Probably?

11 MR. CHIANG: Yes, sir. I've had a few of
12 those, and also I know some friends that had this
13 issue as well. I think for something like that,
14 it was not intentionally.

15 MR. SHORT: Well, let me say this.

16 MR. CHIANG: Yes, sir.

17 MR. SHORT: Let's say you have an accident.
18 Your driver's license is expired. What do you
19 think the officer's going to do?

20 MR. CHIANG: I'm not sure, sir. I'm not a
21 police officer.

22 MR. SHORT: What does the law say to you be

1 probably would do? Issue you a ticket?

2 MR. CHIANG: Probably, yes.

3 MR. SHORT: Okay, so you think -- why is this
4 any different? This is a government official who
5 came to check on your business, you had a person
6 there with an expired manager's license.

7 MR. CHIANG: Yes, sir.

8 MR. SHORT: You weren't there.

9 MR. CHIANG: I wasn't there at the time, yes
10 sir.

11 MR. SHORT: Okay. And that's a violation.

12 MR. CHIANG: I understand.

13 MR. SHORT: Okay, that's all I have. Thank
14 you very much. Thank you, Mr. Chair.

15 CHAIRPERSON ANDERSON: Yes, Ms. Miller?

16 MS. MILLER: Hi, Mr. Chiang.

17 MR. CHIANG: Hi, ma'am, how are you?

18 MS. MILLER: I wanted to just clarify -- is
19 your wife an ABC owner as well?

20 MR. CHIANG: She's not.

21 MS. MILLER: She's not. Okay. So, you were
22 the only one there.

1 MR. CHIANG: Yes, ma'am.

2 MS. MILLER: Okay. And I just want to
3 comment that I appreciate that this process is
4 new to you, and you don't have an understanding
5 of all of the laws that govern your
6 establishment. Okay, and I think that board
7 member Short made a good suggestion that you pick
8 up a copy of the regulations and statutes.

9 MR. CHIANG: Absolutely, yes.

10 MS. MILLER: And, so, I think that in your
11 mind it's like common sense that you would think
12 that the investigator would give you a warning if
13 you're only five minutes away. That's what I
14 hear you saying.

15 MR. CHIANG: I just think that I was one
16 block away. I asked him, you know, if you want
17 me to come in. He said no, he doesn't need me.

18 MS. MILLER: Right. So, my comment is that
19 we operate under laws and regulations.

20 MR. CHIANG: Sure.

21 MS. MILLER: We just don't do whatever we
22 think is, you know, good in this situation and

1 not good in another, and if you get a copy of the
2 regulations and the statutes you'll see that
3 there's a penalty schedule and in many instances
4 the investigators and the board's allowed to give
5 warnings. But, when there's no ABC manager on
6 duty, it's not an option under the law. And I
7 think that's something that you might not know
8 intuitively. So, I just wanted to let you know
9 that.

10 MR. CHIANG: I know now for sure.

11 MS. MILLER: And also, periodically, the
12 board, I mean, the agency has trainings for
13 licensees so that you can get more familiar with
14 what the laws are. Okay, that's all I have to
15 say. Thank you.

16 CHAIRPERSON ANDERSON: Yes, Mr. Alberti?

17 MR. ALBERTI: I'm going to be quick. So, Mr.
18 Chiang, I want to speak to the fact that you got
19 two penalties with a citation for the same day,
20 for the same charge. I know you were angry with
21 the whole process, I know you were a little --

22 MR. CHIANG: I was -- I had to look at it

1 from a personal perspective --

2 MR. ALBERTI: -- and you were frustrated with
3 the investigator, but I will tell you in this
4 case, the investigator realized that he had
5 charged -- he had put down a wrong fine. He had
6 overcharged on the fine. And he was coming back
7 with the second copy in an attempt to correct
8 that and give you a lower fine, the appropriate
9 fine. So, I'm just saying that in defense of the
10 process, the agency, and our investigators, he
11 was trying to be fair to you in this instance.
12 So, the second copy that you got was to reflect a
13 lower and correct fine. I just wanted to make
14 sure that was understood. All right.

15 CHAIRPERSON ANDERSON: Mr. Chiang, what's
16 your wife's name?

17 MR. CHIANG: Natalie Chiang.

18 CHAIRPERSON ANDERSON: Who?

19 MR. CHIANG: Natalie Chiang.

20 CHAIRPERSON ANDERSON: Who is S-I-E-N-G Long?

21 MR. CHIANG: Oh, that's my mom.

22 CHAIRPERSON ANDERSON: All right. Do you

1 have -- do any other board members have any other
2 questions? All right, Ms. Phillips, do you wish
3 to ask questions of Mr. Chiang?

4 MS. PHILLIPS: I think you identified this
5 exhibit, I'm going to circle the two so when you
6 see it this is a copy of the license that was
7 expired. The one you can't read.

8 MR. CHIANG: Yeah, I can't read it too well.

9 MS. PHILLIPS: I want you to say that it is -
10 - [inaudible 58:35].

11 MR. CHIANG: Oh, okay.

12 MS. PHILLIPS: That is her license and the
13 date that says 03/25 --

14 MR. CHIANG: Yes.

15 MS. PHILLIPS: It shows that it was expired
16 when the investigator visited you, is that
17 correct?

18 MR. CHIANG: Yes.

19 MS. PHILLIPS: Okay. I move for the
20 admission of exhibit #2 to the report.

21 CHAIRPERSON ANDERSON: Which exhibit, Ms.
22 Phillips?

1 MS. PHILLIPS: #2.

2 CHAIRPERSON ANDERSON: Which one is this?

3 MS. PHILLIPS: The license for Ms. Lin?

4 CHAIRPERSON ANDERSON: Okay, so moved.

5 MS. PHILLIPS: And I also -- this is exhibit
6 #3 to the report. This is the second citation
7 you saw, is that correct?

8 MR. CHIANG: Yeah, I think so.

9 MS. PHILLIPS: All right, I would move for
10 the admission of exhibit #3, the second citation
11 as described by Mr. Chiang. This is exhibit #3
12 to the investigation report which says the fine
13 is \$250.

14 CHAIRPERSON ANDERSON: I'm sorry, which one
15 is exhibit #3?

16 MS. PHILLIPS: It's the second notice of
17 violation that Mr. Chiang says he received, but
18 the only one that's in the investigation report,
19 which is what I received, so I moved for the
20 admission of exhibit #3 to the investigation
21 report.

22 MR. ALBERTI: It's citation #3661 just for

1 the record.

2 MS. PHILLIPS: Yes.

3 CHAIRPERSON ANDERSON: Okay.

4 MS. PHILLIPS: Yes, and in fairness to Mr.

5 Chiang I move the notice of violation #3660 -- I

6 call it Chiang exhibit #1 -- which is from the

7 testimony of Mr. Chiang the first notice of

8 violation he received from the ABRA investigator.

9 CHAIRPERSON ANDERSON: Okay. So moved. I

10 thought you were going to move that in, okay, but

11 that's fine.

12 MR. CHIANG: Can I add something? It's just

13 something minor.

14 CHAIRPERSON ANDERSON: Just one minute, Mr.

15 Chiang, I'm not sure she's done.

16 MS. PHILLIPS: I just wanted to make the

17 record complete.

18 CHAIRPERSON ANDERSON: Okay, thank you.

19 MS. PHILLIPS: The things that we have talked

20 about.

21 CHAIRPERSON ANDERSON: All right, Mr. Chiang,

22 it's been a little bit different this morning, so

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1 I know that you responded based on the questions
2 that were asked by Ms. Phillips -- I'm sorry --
3 so, does the government rest?

4 MS. PHILLIPS: Yes.

5 CHAIRPERSON ANDERSON: Yes. So, now it's
6 your opportunity to present your case. I know
7 that you -- it was a little bit different because
8 Ms. Phillips asked you some questions and then
9 you did some clarification, but normally how it
10 goes is that the government normally has a
11 different witness, you'd have asked questions,
12 and after the government presents its witnesses,
13 then you now have an opportunity to present your
14 case. So, I'm still giving you an opportunity to
15 state your case again, if there's any
16 clarification, because I know it was -- a lot of
17 what you said was couched based on what Ms.
18 Phillips had asked you.

19 MR. CHIANG: I just have two things to input.
20 Like I said, after the second day, he came in,
21 tried to give me the same ticket, and I'm not
22 sure how the law works but I mean, you know,

1 you're dated on the two days afterwards on which
2 the case was already submit -- like, I'm saying
3 it already happened. I'm not sure how the
4 government works but I've never seen anything
5 that's back dated on something on two days
6 afterwards, on which I was actually present at
7 that time, but I did not want to deal with this
8 gentleman so I just asked him to just drop it in
9 front of us. Also, when I had to mail it in, the
10 back of this -- I guess this violation -- had a
11 "please send to the north Hacker address." I got
12 two return mails and that's why it took so long,
13 this whole situation, I was very frustrated. So,
14 I think that the government does things to
15 deceive people, does not let them know clearly
16 what to do afterwards, that's just my thought on
17 this whole thing.

18 CHAIRPERSON ANDERSON: Well, just for
19 clarification, Mr. Chiang, and I'm not sure if
20 you realize today that you had one ticket for --
21 the first one that was given to you was for \$500
22 -- and the second one was given to you for \$250.

1 So, are you complaining that they gave you a
2 lower fine?

3 MR. CHIANG: No, I'm not complaining. I'm
4 complaining on the -- how the inspector handled
5 this and that's why I got upset and if I'm going
6 to pay for this I need to let you guys know so
7 that you're not going to be an inspector doing
8 that to other businesses. That upsets me when
9 they take advantage of people like us, that we're
10 working hard just to make the money to pay for
11 the licenses. For something to deceive a owner,
12 tell them everything's okay, don't need to come,
13 that's fine. And then slap them with a ticket.
14 I mean, I'm very upset over that. That's what
15 upset me and I want to let the chair understand
16 that, so that I guess others won't have this
17 recurring. You know? I mean, if something's
18 done, that's fine, if something is not done, I
19 want for you guys to hear me, really.

20 CHAIRPERSON ANDERSON: It's not a
21 requirement. Ms. Phillips, do you wish to ask
22 Mr. Chiang a question based on the presentation

1 that he just gave?

2 MS. PHILLIPS: No. Mr. Chiang spoke to me
3 about that when I spoke to him on the telephone
4 on July 22nd and I referred his complaints to the
5 board.

6 CHAIRPERSON ANDERSON: I'm saying, this is
7 his case, so I'm asking -- it's a little
8 unorthodox, so that's the reason I'm, all right,
9 okay.

10 MS. PHILLIPS: No, I have no questions. I
11 just had a predicate in response to what he said.

12 CHAIRPERSON ANDERSON: Okay, thank you. Yes,
13 Mr. Chiang.

14 MR. CHIANG: And also, when she stated her
15 name it's a random person to me. I don't know
16 how the whole thing is. I thought that she was
17 representing this case on the board side. So, I
18 never had this kind of experience. For her --
19 and when I told her is she with -- does she want
20 to hear what I said? Because my assumption was
21 that I thought that she was something that she
22 could resolve this situation, as in mediate. And

1 she agreed, she says, "yes, I'd like to hear it."
2 She could have easily told me "I cannot listen to
3 this, you need to speak to the" you know, inform
4 me of that, because I was totally confused who
5 she was.

6 CHAIRPERSON ANDERSON: All right.

7 MR. CHIANG: And then, at the end, that's
8 when I said, "wait, who are you?" And that's
9 when she states "I'm basically calling you to see
10 if I can settle this on the pho --" I'm like,
11 "okay, so you're the government side?" And then
12 she said, "yes, and then we need to blah blah
13 blah, go through the hearing, blah, blah, blah."
14 That's what threw me off, I was like, "oh man,
15 she just tricked me."

16 CHAIRPERSON ANDERSON: All right, let me ask
17 a question, Mr. Chiang.

18 MR. CHIANG: Yes, yes.

19 CHAIRPERSON ANDERSON: Did she tell you that
20 her name was Louise Phillips?

21 MR. CHIANG: I -- yes, sir, but I don't know
22 who that is. That's like a random person to me.

1 CHAIRPERSON ANDERSON: All right, I'm going
2 to ask you another question. I have in front of
3 me the notice of status hearing and show cause
4 hearing. Did you receive a copy of this document
5 -- did you receive -- how did you know that --

6 MR. CHIANG: Yes, I received that letter.

7 CHAIRPERSON ANDERSON: All right. Did you
8 read the letter, sir?

9 MR. CHIANG: I said -- yeah, the date when
10 they come.

11 CHAIRPERSON ANDERSON: Do you have a copy of
12 the letter in front of you?

13 MR. CHIANG: I didn't bring it with me.

14 CHAIRPERSON ANDERSON: But did you read the
15 letter?

16 MR. CHIANG: Yes I did. I read it.

17 CHAIRPERSON ANDERSON: And did you read the
18 letter carefully?

19 MR. CHIANG: Somewhat. I basically just
20 skimmed right through it.

21 CHAIRPERSON ANDERSON: And the reason I'm
22 asking is that it's because if you -- you stated

1 that you received a notice of the status hearing
2 and show cause hearing and this document, it
3 tells you when the hearing is scheduled for --

4 MR. CHIANG: Yes.

5 CHAIRPERSON ANDERSON: And it also tells you
6 in the body of the document that Ms. Louise
7 Phillips is the government's attorney. Her name
8 is in this document.

9 MR. CHIANG: It didn't ring a bell at that
10 time.

11 CHAIRPERSON ANDERSON: So that's why -- so
12 that's why I'm asking you if you got a copy of
13 that. I know you're saying that she called you
14 and I'm just -- just as a -- I'm saying that
15 because --

16 MR. CHIANG: You see, you knew that. I
17 didn't. Now, you just told me. I did not know.

18 CHAIRPERSON ANDERSON: That's why I asked you
19 if you got this document.

20 MR. CHIANG: I -- like, most of the time when
21 I'm reading, I'm reading about the, I guess, the
22 summary. I don't really fixate on the name of

1 who it is because I don't know those individuals.

2 CHAIRPERSON ANDERSON: All right, well all
3 I'm saying to you, sir, is just in the future any
4 time you receive any legal documents, since you
5 said you did receive it --

6 MR. CHIANG: Yes, I did.

7 CHAIRPERSON ANDERSON: You have to read it
8 carefully. I mean, it's -- you've made some
9 allegations that, if true, I mean, Ms. Phillips
10 could be reported to the bar for not acting
11 appropriate and so that's one of the reasons why
12 I asked you if you had gotten this document.
13 Because you're saying that she tricked you, she
14 didn't tell you who she was. But I just want to
15 point out to you the document that informed you
16 about this hearing --

17 MR. CHIANG: Mm hmm.

18 CHAIRPERSON ANDERSON: -- it did have my
19 signature on it, too, because I also signed this
20 document, and it also states who the government's
21 lawyer is, and you stated on the record that she
22 did tell you who her name was -- who she was.

1 Is that correct, sir? She told you -- she gave
2 you her name?

3 MR. CHIANG: Yeah, it didn't ring a bell.

4 CHAIRPERSON ANDERSON: Okay -- okay, I just
5 want to correct that for the record that at least
6 you know that based on the document that you
7 received the document clearly explained to you
8 who she was. Okay?

9 MR. CHIANG: Yes, sir.

10 CHAIRPERSON ANDERSON: Mr. Silverstein, do
11 you have any questions you want to ask?

12 MR. SILVERSTEIN: Yes, I do. Apparently,
13 there is a serious failure to communicate or
14 understand here and I trust, sir, that part of it
15 is because your establishment is not terribly
16 familiar with us, which is generally a good
17 thing. You've not had a lot of infractions,
18 you've not been before this board a million
19 times, you don't have a lawyer.

20 MR. CHIANG: Yeah, I've never done this
21 before.

22 MR. SILVERSTEIN: And, as such, things that

1 occurred which are really not wrong on anyone's
2 part are confusing to you. But when you came
3 here this morning did you think that you were on
4 the hook for \$250, \$500, \$750? Did you think you
5 had a ticket or two tickets? What did you think
6 you had, sir?

7 MR. CHIANG: She mentioned \$300, and then I
8 said no, you know, if it was back to \$250, and
9 she says, "oh now it's escalated." So, I guess
10 my understanding was \$300. I don't know any
11 other fees.

12 MR. SILVERSTEIN: Well, you have -- you know,
13 you always have the opportunity to get a lawyer,
14 so that's going to cost you money as well, so I
15 can understand your reluctance to do that if you
16 have a small business. Please do not take this
17 that these folks are harassing you. Equal
18 justice under the law, or treating people
19 equally, means that the small business person has
20 to abide by the same rules as the bad, the large
21 person, that the good person has to abide by the
22 same rules as the one who wants to flaunt the

1 rules, and you're just a small business person
2 who kind of got caught up in something that's
3 beyond your experience, and I'm glad it's beyond
4 your experience because I've never seen you here
5 before, and hopefully we won't see you again.
6 And I hope that when you leave her today,
7 regardless of how this turns out that you
8 understand that this was not done -- I'm
9 confident this was not done to trick you or pick
10 on you or anything of that sort, that the rule --
11 especially the rule of a manager -- that
12 anybody's who's not there has to be somewhere,
13 and that person can be a mile away and claim
14 they're a block away, or they can be two doors
15 down and we not know. But, unless they are out
16 sweeping the street in front of the place, that's
17 going to be enforced. Unless they are taking the
18 trash out in the back, that's going to be
19 enforced, because we have no way of knowing, and
20 we have to treat people equally. So, maybe this
21 is a little early to say this but I wish you well
22 and I hope that you understand that this is not

1 being done out any animus to you, sir. Thank
2 you.

3 CHAIRPERSON ANDERSON: Are there any other
4 questions by any other board members? Do you
5 have anything else you want to say, sir?

6 MR. CHIANG: No, I don't.

7 CHAIRPERSON ANDERSON: All right, I'm going
8 to go ahead and close the record. All right. As
9 chairperson of the Alcoholic Beverage Control
10 Board for the District of Columbia and in
11 accordance with D.C. section 405 of the Open
12 Meetings Act 2010, I move that the ABC Board hold
13 a closed meeting for the purpose of seeking legal
14 advice from our counsel on Case #16-CMP-00362,
15 New Da Hsin Tradinng, Inc., license #23501, per
16 section 405 (b) (4) of the Open Meetings Amendment
17 Act of 2010 and deliberating upon case #16-CMP-
18 00361, New Da Hsin Trading Company for the
19 reasons cited in 405(b)(13) of the Open Meetings
20 Act of 2010. Is there a second?

21 MR. SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has seconded

1 the motion. I will now take a roll call vote on
2 the motion before us now that it has been
3 seconded. Ms. Miller?

4 MS. MILLER: Agree.

5 CHAIRPERSON ANDERSON: Mr. Alberti?

6 MR. ALBERTI: I agree.

7 CHAIRPERSON ANDERSON: Mr. Short?

8 MR. SHORT: I agree.

9 CHAIRPERSON ANDERSON: Mr. Silverstein?

10 MR. SILVERSTEIN: I agree.

11 CHAIRPERSON ANDERSON: Mr. Anderson? I
12 agree. As it appears that the motion has passed
13 5-zero, I hereby give notice that the ABC Board
14 will hold this aforementioned closed meeting in
15 the ABC board conference room pursuant to the
16 Open Meetings Amendment Act of 2010, and a Board
17 Order issued within 90 days. So, we'll issue a
18 decision, sir, within 90 days. We will listen to
19 your position, the position raised by the
20 government and we'll issue a decision. Thank you
21 for being here today, sir, and I know that you're
22 frustrated and that's one of the reasons why I

1 took the time to clarify. I know that Mr.
2 Silverstein has also clarified the role of the
3 investigator, and I also thought it was important
4 for me to explain and clarify what you had stated
5 about Ms. Phillips. This is not me defending Ms.
6 Phillips, it's just -- I'm an attorney, she's an
7 attorney and if you believe that -- I wanted to
8 clarify that you're saying that you thought that
9 she was tricking you but I was just trying to
10 point out to you.

11 MR. CHIANG: Not her, the inspector.

12 CHAIRPERSON ANDERSON: But you also said she
13 also called you.

14 MR. CHIANG: Oh absolutely, on that, yeah.

15 CHAIRPERSON ANDERSON: So, I just wanted to
16 clarify to say that the document that was mailed
17 to you, it had her name on it, and it clearly
18 identified herself on the document, who she was,
19 so when she called you she was just calling you
20 as all attorneys do, because the document you had
21 basically told you about the charge and told you
22 about the government's witnesses. That's one of

1 the reasons why I spent that time, just to make
2 sure that you knew who she was and that what she
3 does, that's just normally what is done that
4 attorneys do in the course of business. I don't
5 want you to feel that either herself or the
6 investigator were trying to do anything illegal
7 or different.

8 And just one last thing I'll give you, sir.
9 There are two tickets, one was \$500 and one was
10 for \$250. The investigator was going to charge
11 you \$500 but I guess he realized that it was an
12 error, and that's one of the reasons why it
13 appears that they came back with a second day
14 with the same charge, but it was a lower fine.
15 Okay? So, we will deliberate, we'll take
16 everything that we heard today and we'll make a
17 decision and we'll issue the decision in 90 days.
18 Okay?

19 MR. CHIANG: Thank you, Chairman.

20 CHAIRPERSON ANDERSON: Thank you, Mr. Chiang.
21 Thank you, Ms. Phillips.

22 MS. PHILLIPS: Thank you.

1 (Whereupon, the above-entitled matter was
2 concluded.)

3